

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN FRANCIS,

Defendant.

4:23CR3045

ORDER

Pending before the Court is Defendant's motion to dismiss, Filing No. 42, in which he challenges the constitutionality of 18 U.S.C. § 924(c)(1)(A)(i) under the Second Amendment.

IT IS ORDERED:

- 1) On or before May 6, 2024, the parties shall file additional briefing addressing whether Defendant has standing to challenge the constitutionality of 18 U.S.C. § 924(c)(1)(A)(i) under the Second Amendment.¹ See *United States v. Sitladeen*, 64 F.4th 978 (8th Cir. 2023) (holding the protections guaranteed by the Second Amendment do not extend to aliens illegally present in the United States); *United States v. Flores*, 663 F.3d 1022 (8th Cir. 2011) (same).

¹ While testifying during the hearing on Defendant's motion to suppress, Defendant stated that he was a Canadian citizen and did not believe he was in the country legally. Filing No. 56 at CM/ECF p. 12-13.

Dated this 19th day of April, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge